

Remarks/Arguments

In the Final Office Action dated December 1, 2009, it is noted that claims 1-8 are pending and that all claims stand rejected under 35 U.S.C. §103. Claim 9 was previously cancelled.

By this response, claim 1 has been amended to clarify certain aspects of the invention. Claims 10-14 have been newly introduced. Support for the amendments to claim 1 and for the newly added claims can be found at least in the original claims and in the original specification at page 4, line 13 through page 5, line 32 and page 8, line 18 through page 12, line 4. The amendments to the claims are believed to be proper and justified. No new matter has been added.

Cited Art

The art cited and applied in the present Office action includes: Great Britain Patent Application GB 2 331 207 to Park (hereinafter referenced as “*Park*”); U.S. Patent Application Publication No. 2003/0108089 to Lee et al. (hereinafter “*Lee*”); U.S. Patent Application Publication No. 2002/0172260 to Rice (hereinafter “*Rice*”); U.S. Patent 5,204,874 to Falconer et al. (hereinafter “*Falconer*”); a portion of Applicants’ specification referenced by the USPTO allegedly as Applicants’ Admitted Prior Art (hereinafter referenced as the “*AAPA*”); and U.S. Patent 5,394,433 to Bantz et al. (hereinafter “*Bantz*”).

It should be noted for the record that the corresponding U.S. case for Park is found in U.S. Patent 6,657,985.

Rejection of Claims 1-8 under 35 U.S.C. § 103

Claims 1, 2, and 5 stand rejected under 35 U.S.C. §103 as being unpatentable over Park in view of Lee and Rice. Claim 3 stands rejected under 35 U.S.C. §103 as being unpatentable over Falconer in view of AAPA and Rice. Claims 4, 6, and 8 stand rejected under 35 U.S.C. §103 as being unpatentable over Bantz in view of Falconer and Rice. Claim 7 stands rejected under 35 U.S.C. §103 as being unpatentable over Bantz, Falconer, and Rice in view of Park. Since claims 2-8 have been cancelled without prejudice in this response, it is submitted that the

rejection of those claims is considered to be moot. The rejection of claim 1 is respectfully traversed.

Claim 1 is an independent method claim from which new claims 10-14 depend directly. These dependent claims include all the limitations present in independent base claim 1.

It is submitted, upon careful review of all the cited and applied references, that none of these references teaches, shows, or suggests at least the limitations defined in amended claim 1 for:

defining the sequence for the application of the content of a set of spreading codes (G_i) with a permutation function (S_i) indicating a permutation sequence of an order in which each individual spreading code of the assigned different spreading codes is applied in said mixing, and

transmitting the transmission signal, a representation of the permutation function, and a representation of said hop interval by said transmitter in said k^{th} connection.

For at least all the reasons set forth above, it is believed that the elements of claim 1 and the claims dependent thereon are not taught, shown, or suggested by Park, Lee, Falconer, Bantz, AAPA, and Rice, whether taken separately or in combination. It is therefore submitted that the elements of claim 1 and the claims dependent thereon would not have been obvious to a person of ordinary skill in the art upon a reading of Park, Lee, Falconer, Bantz, AAPA, and Rice, whether taken separately or in combination. Thus, it is submitted that claims 1 and 10-14 are allowable under 35 U.S.C. §103. Withdrawal of this rejection is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Entry of this amendment, reconsideration of the application, and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicants' attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

By: /Brian S. Myers/
Brian Myers
Registration No. 46,947
973-401-7157

Mail all correspondence to:

Larry Liberchuk, Esq.
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
March 1, 2010